

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27<sup>TH</sup> DAY OF APRIL, 2009 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Kevin Byrd	-Comprehensive Planner
	Dari Jenkins	-Zoning Administrator
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- |                  |     |  |
|------------------|-----|--|
| Section 2.2-3711 | (3) | Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body  |
|                  |     | 1. Blacksburg Technology Manufacturing Building  |
|                  | (7) | Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel |
|                  |     | 1. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority  |
|                  | (1) | Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body  |
|                  |     | 1. Planning Commission   |
|                  |     | 2. Workforce Investment Board Youth Council  |
|                  |     | 3. Personnel   |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Annette S. Perkins	

### **OUT OF CLOSED MEETING**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
Doug Marrs	
Mary W. Biggs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

### **VOTE**

AYES  
Doug Marrs  
Mary W. Biggs  
James D. Politis  
John A. Muffo  
Gary D. Creed  
William H. Brown  
Annette S. Perkins

NAYS  
None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A Moment of Silence was lead by Chair Perkins.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Special Use Permit – William E. & Susan McGann Osborne

**A request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard.** The property is located at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

**The Planning Commission tabled this request at their April 8, 2009 meeting. Therefore, the Board of Supervisors continued this public hearing until such time they receive recommendation from the Planning Commission.**

**There being no speakers, the public hearing was continued.**

**R-FY-149  
RESOLUTION TO CONTINUE THE  
PUBLIC HEARING FOR WILLIAM & SUSAN OSBORNE  
CONTRACTOR'S STORAGE YARD**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the public hearing on the request by William E. & Susan McGann Osborne (Agent: Gay & Neel, Inc.) for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow contractor's storage yard located. at 1806 Brookfield Road, and is identified as Tax Parcel No(s). 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E) is hereby continued to such time the Montgomery County Planning Commission submits a recommendation on said request.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo  
Doug Marrs  
Mary W. Biggs  
James D. Politis  
William H. Brown  
Gary D. Creed  
Annette S. Perkins

NAY

None

Special Use Permit – Amendment – Montgomery County Sheriff's Office

**A request by the Montgomery County Sheriff (Agent: Sheriff J. T. Whitt) to amend condition #3 of Special Use Permit (R-FY-06-16) by eliminating the requirement that the Tower shall only be utilized by government agencies to allow private carriers to locate on the existing Tower.** The property is located at 2080 Oilwell Road, and is identified as Tax Parcel No. 66-A-55A (Account ID# 071091) in the Prices Fork Magisterial District (District E). The property lies in an area designated as Residential Transition in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, summarized the above request. The Montgomery County Sheriff's Office has requested the elimination of condition #3 of the Special Use Permit allowing the replacement of an existing telecommunications tower. Condition 3# states that the tower structure shall only be utilized by sheriff, police, fire/rescue, Blacksburg Transit and similar government agencies. The Sheriff's Office is requesting that a private paging company be allowed to place equipment on the tower for purposes of providing paging services to public safety/emergency services personnel. There will be no cellular antennas placed on the tower.

There being no speakers, the public hearing was closed.

## **PUBLIC ADDRESS**

Robert Goldstein addressed the Board in opposition of removing Big Vein Road from the County's Rural Addition priority list. Mr. Goldstein reported he was informed today that there is a 50 ft. right-of-way on McCoy Road, which is enough right-of-way to correct the line of sight at the McCoy Road and Big Vein Road intersection. Mr. Goldstein also asked for the following: 1) Another community meeting to discuss Big Vein Road, and 2) A list of proffers in writing that the County offered to the corner property owner. He asked the Board of Supervisors to accept the 30 foot deeded right-of-way in order for the County to accept Big Vein Road as a county road.

Mr. Goldstein read the following letter into the record:

### **Sec. 2-11. Highway safety commission.**

There is hereby established for the county a highway safety commission, which commission shall consist of seven (7) members, of whom one (1) shall be a member of the board of supervisors. The commission shall meet four (4) times each year and make studies and reports in regard to plans and programs for the improvement of highway safety within the county. Such highway safety commission shall conduct its affairs, perform such duties and make such reports as are required by the board of supervisors.  
(Code 1975, § 2-15)

April 27, 2009

Dear Montgomery County Board of Supervisors,

We are recommending that the Board of Supervisors focus on the primary issues concerning the hazards that currently exist on McCoy Road and in particular where it intersects Big Vein Road.

Please note the following facts:

- Montgomery County has the opportunity to accept the generous offer of a thirty (30) foot deeded right of way, currently called Big Vein Road.
- The County has on its GIS site declared it owns this road, but denies owning it in public meetings.
- The BOARD OF SUPERVISORS has in its power to correct the hazardous lack of the line of sight that endangers all traffic traveling in either direction on McCoy Road.
- The BOARD OF SUPERVISORS has the funding to pave Big Vein Road which has evolved from a few homes to, for all practical purposes, a subdivision.
- This traffic on McCoy road increases dramatically in the spring, especially with Virginia Tech travelers going to the New River recreational areas. Is the message Montgomery County chooses to send is that "the safety of it residents and student population are secondary to legal dodging of one of its primary responsibilities, the safety of it constituents"?
- Some years back at the intersection of Prices Fork Road and Route 114, a fatal tragedy occurred before some measures were taken to minimize the traffic hazards that existed there. **Let's be proactive and prevent another tragedy.**

Conclusion:

We, the citizens of Montgomery County are requesting that the BOARD OF SUPERVISORS rise to this occasion and do what is necessary to protect the health and safety of it residents by accepting the deeded right of way and completing what it resolved to do; correcting the line of site and accepting Big Vein Road into the Rural Addition Program at this present time.

Respectfully submitted

*Robert I. Goldstein*

Robert I Goldstein  
1976 Big Vein Road  
Blacksburg VA 24060

There being no further speakers, the public address session was closed.

**DELEGATION**

Virginia Cooperative Extension – Quarterly Report for Montgomery County Extension  
Michelle Dickerson, Extension Agent, and Barry Robinson, Agriculture and Natural Resources, provided the quarterly report for January – March 2009 for the Montgomery County Extension Office. The report highlights the educational programs provided for citizens of Montgomery County in the areas of Agriculture and Natural Resources, Family and Consumer Sciences, and 4-H Youth Development. It also highlights activities toward professional development and training.

**CONSENT AGENDA**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously, the Consent Agenda dated April 27, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
William H. Brown	
Doug Marrs	
Annette S. Perkins	

**A-FY-09-91  
COMMONWEALTH’S ATTORNEY  
FORFEITED ASSET SHARING PROGRAM**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

220	Commonwealth’s Attorney	\$1,703
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104	Confiscations
	\$1,703

Said resolution appropriates monies received in the Forfeited Asset Sharing Program for use by the Commonwealth’s Attorney’s office.

**A-FY-09-92  
SCHOOL OPERATING FUND  
SUPPLEMENTAL APPROPRIATION**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

610000	Instruction	\$224,861
620000	Administration, Attendance and Health	14,521
650000	Non-Instruction	<u>56,202</u>
	Total	\$295,584

The sources of funds for the foregoing appropriation are as follows:

<u>Revenue Account:</u>		
Rebates and refunds		\$ 56,202
Homeless grant		35,070
Medicaid Reimbursement		76,250
GAPS – Grants		<u>128,062</u>
Total		\$295,584

Said resolution appropriates additional funds for the School Operating Fund.

**A-FY-09-93**  
**SHERIFF RECOVERED COSTS**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

310	Sheriff – State	\$ 2,653
321	Sheriff – Grants	<u>10,314</u>
Total		\$12,967

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$ 2,653
419104	Confiscations	\$10,049
424401	Project Lifesaver	<u>\$ 265</u>
Total		\$12,967

Said resolution appropriates recovered costs for use by the Sheriff's department.

**A-FY-09-94**  
**SOCIAL SERVICES**  
**IV-E FOSTER CARE APPROPRIATION**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

540	Social Services	\$160,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424104 811	IV-E Foster Care	\$160,000

Said resolution appropriates additional state approved funding for IV-E Foster Care.

**A-FY-09-95**  
**EMERGENCY SERVICES COORDINATOR**  
**FEDERAL JUSTICE ASSISTANCE GRANT (JAG)**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

111      Emergency Services Coordinator Grants                      \$10,295

The source of the funds for the foregoing appropriation is as follows:

Revenue Account  
02111-434401 Federal Grants                      \$10,295

Said resolution appropriates grant funds received from a United States Justice Assistance Grant (JAG) for the purchase of equipment for the Montgomery County Sheriff's Department and the Town of Blacksburg Police Department.

**R-FY-09-150  
APPOINTMENT  
DISABILITY SERVICES BOARD**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary B. Critzer**, in her capacity as Human Services Director, to the **Disability Services Board** effective May 9, 2009 and expiring May 8, 2012.

BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

**R-FY-09-151  
PLANNING COMMISSION  
APPOINTMENT**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Robert K. Miller** to the **Montgomery County Planning Commission** effective June 1, 2009 and expiring May 31, 2013.

**R-FY-09-152  
WESTERN VIRGINIA EMERGENCY  
MEDICAL SERVICES (EMS) COUNCIL  
APPOINTMENT**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Kevin Hamm** to the **Western Virginia Emergency Medical Services Council, Inc.**, and **Derick Reynolds** as his alternate, effective April 28, 2009 and expiring January 31, 2012.

**R-FY-09-153  
NEW RIVER VALLEY COMMUNITY SERVICES BOARD  
APPOINTMENT**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **John A. Muffo** to the **New River Valley Community Services Board** effective July 1, 2009 and expiring June 30, 2012.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors terms in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

## **OLD BUSINESS**

### **R-FY-09-154 REMOVE FROM THE TABLE RESOLUTION TO REMOVE BIG VEIN ROAD FOR THE RURAL ADDITION PRIORITY LIST**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby removes from the table the resolution to remove Big Vein Road from the Rural Addition Priority List.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
William H. Brown	
Annette S. Perkins	

## **Discussion – Big Vein Road**

For Big Vein Road to proceed as a Rural Addition Project, the County would have to achieve at least two things.

1. Line of sight in compliance with VDOT requirements (500'). The following events have taken place since the April 13 Board of Supervisors meeting.
  - a. Planning staff followed up with the property owner in a phone conversation on April 15 regarding participation. During this conversation the project issues were discussed and all available options to mitigate landowner concerns were presented.
  - b. During the conversation the property owner indicated she was unwilling to provide access to her property for line of sight improvements. She was also unwilling to provide right-of-way for Big Vein Road.
  - c. Following the phone conversation, planning staff met with the property owner at her place of employment to review the mitigating options again. A signed letter dated April 15, 2009 confirms the property owner's decision not to participate in the line of sight or the Big Vein Road right of way project.
2. Since the line of sight requirement was unobtainable, then the right of way issues are not relevant.

## **Conclusion:**

Despite numerous attempts at creative solutions the affected property owners are not willing to participate in the project. Without line of sight the Rural Addition project for Big Vein Road cannot move forward.



**Staff Recommendation:**

Staff recommends removing Big Vein Road from the Rural Addition Priority List due to inability to meet VDOT requirements for line of sight.

1. Staff recommends VDOT install a sign indicating dangerous intersection ahead, typically not provided for private roads. VDOT staff provided this as an option.
2. Staff recommends VDOT staff investigate any other options for improving safety at this intersection.

**R-FY-09-155  
REMOVE BIG VEIN ROAD FROM  
RURAL ADDITIONS PRIORITY LIST**

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

WHEREAS, Big Vein Road is currently listed as Priority #1 on Montgomery County's Rural Addition Priority List; and

WHEREAS, Requirements for a private road to be taken into the state secondary road system include that the County has acquired clear title for any additional right-of-way needed to bring the right-of-way up to Virginia Department of Transportation (VDOT) standards; and

WHEREAS, Since December 2002 County staff, VDOT staff and utility providers have met on several occasions with landowners to discuss project impacts and creative solutions to address problem areas; and

WHEREAS, The final determination following a significant effort by all parties involved is that right-of-way for Big Vein Road and line of sight for safety improvements at the McCoy Road (SR 652) intersection is not obtainable.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby removes Big Vein Road from its Rural Addition Priority List.

BE IT FURTHER RESOLVED, Big Vein Road will not be restored to the Rural Addition Priority List until all right-of-way and line of sight issues are resolved and presented to Montgomery County.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
John A. Muffo	None	William H. Brown
Gary D. Creed		
Doug Marrs		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

**Supervisor Brown abstained from voting due to having relatives and friends who live on Big Vein Road.**

Supervisor Creed asked for Board consensus to request VDOT to explore other options for improving the visibility at the intersection of Big Vein Road and McCoy Road as recommended by staff. If there is an additional 10 feet of right-of-way as reported by Mr. Goldstein, then there is a possibility of improving the visibility. It was Board consensus to send a letter to VDOT requesting them to investigate any other options for improving safety at this intersection.

**R-FY-09-156**  
**SPECIAL USE PERMIT**  
**LAWRENCE S. ESTES (AGENT: AT&T)**  
**FOR THE PURPOSE OF ALLOWING**  
**A 120-FOOT TELECOMMUNICATIONS TOWER**  
**906 DEN HILL ROAD PARCEL ID #006179,**  
**TAX MAP NUMBER 68-A-145**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, At an adjourned meeting of the Board of Supervisors of Montgomery County, Virginia, held on the 24<sup>th</sup> day of November, 2008, as 6:30 p.m. in the Board Chambers, Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, on motion made by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board of Supervisors of Montgomery County approved the application of **Lawrence S. Estes (Agent: AT&T) request for a Special Use Permit (SUP)** on 44.923 acres in the Agriculture (A-1) zoning district to allow a 120-foot tall telecommunications tower as being consistent with the County's Comprehensive Plan with certain conditions, including but not limited to:

- “1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of 1,786 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches”
2. Site development shall be in substantial conformance with the plans entitled “AT&T St. Andrews, Site No. RO339G,” prepared by BC Architects Engineers, dated July 3, 2008, and received by Montgomery County on August 1, 2008. Revised Sheet No. (VA-R) 339G-A-1 shall be received and approved by the Zoning Administrator before site plan approval and issuance of zoning permit...”

WHEREAS, AT&T as Agent for Lawrence S. Estes voluntarily brought to the attention of the Board of Supervisors an ambiguity in the ground elevation contained in the site plans submitted with the application (Site Plans) used by the County's planning staff in its report to the Board of Supervisors recommending approval of the application; and

WHEREAS, The Site Plans dated 7-30-08 and 10-3-08 provided on Title Sheet (T-1) for a ground elevation of 1,823.7 feet, and on page A-2 thereof for a ground elevation of 1,786 feet; and

WHEREAS, The resolution adopted by the Board of Supervisors on November 24, 2008, was made internally inconsistent by this ambiguity; and

WHEREAS, The actual ground elevation is 1,823.7 feet as shown on page T-1 of the Site Plans; and

WHEREAS, The County's Geographic Information Systems (GIS) Manager considered a ground elevation of 1,820 feet in his propagation and view shed analyses prepared for county staff for use at the public hearings before the Planning Commission and Board of Supervisors; and

WHEREAS, The general public had an opportunity to hear and comment on all of the information related to the application, including the information regarding the ground elevation and the County's GIS Manager's analyses, at the public hearing before the Planning Commission on October 27, 2008, which recommended approval, and the public hearings before the Board of Supervisors on November 12, 2008 and continued to November 24, 2008, which unanimously approved the recommendation and application for SUP; and

WHEREAS, The Board of Supervisors finds that the ambiguity creates an internal inconsistency as to the elevation in the resolution adopted by the Board of Supervisors on November 24, 2008; that the public, members of the Planning Commission and members of the Board of Supervisors were not misled by the ambiguity; and that there is no need for further public comment on the application.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia, that the LAWRENCE S. ESTES (AGENT: AT&T) REQUEST FOR A SPECIAL USE PERMIT (SUP) on 44.923 acres in the Agriculture (A-1) zoning district to allow a 120-foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby approved with the following conditions:

1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of **1,823.7** feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T Saint Andrews, Site No. RO339G," prepared by BC Architects Engineers, dated July 30, 2008, and received by Montgomery County on August 1, 2008. Revised Sheet No. (VA-R)339G-A-1 shall be received and approved by the Zoning Administrator before site plan approval and issuance of zoning permit.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches in the top position). In lieu of not making a separate tower application on the same property, Verizon Wireless shall be allowed to co-locate on this structure using a modified flush mount design (24 inches distance between face of pole and outer face of antennas). Tower shall be painted brown (Wooden Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
4. Engineering plans, signed and sealed by a licensed engineer in the State of Virginia, shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
  - Emergency service providers shall provide equipment.
  - Tower owner/agent shall install the antennae at market rate.
  - The tower owner will provide the County with a location on the tower between 86 feet and 100 ft.
9. Tower compound fence shall be screened with Leyland Cypress, 6 ft in height and 5 feet on center. Similar screening shall be provided along the Amodeo (Tax Map 055-16-23D)/Este's property in the line of site of the proposed house site in accordance with the attached conceptual map dated November 6, 2008. Screening shall be approved by the Zoning Administrator at the time of the site plan approval.
10. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.

The property is located at 906 Den Mill Road and is identified as Tax Parcel No(s) 68-A-145, Parcel ID 001679, in the Mount Tabor Magisterial District (District B). This property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Mary W. Biggs	
James D. Politis	
William H. Brown	
John A. Muffo	
Doug Marrs	
Annette S. Perkins	

**NEW BUSINESS**

**R-FY-09-157  
SIX-YEAR SECONDARY ROAD  
IMPROVEMENT PLAN  
FY 2010-2015**

On a motion by James D. Politis, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County, Virginia, in cooperation with representatives of the Virginia Department of Transportation (VDOT), have prepared a proposed Six-Year Plan for Montgomery County listing improvements proposed on the State Secondary Highway System in Montgomery County for which funds are to be budgeted by VDOT in fiscal years 2010-2015; and

WHEREAS, A duly advertised public hearing was conducted at the Montgomery County Government Center in Christiansburg, Virginia at 7:15 p.m. on Monday, April 13, 2009 for the purpose of informing interested citizens of the proposed Six-Year Plan and for soliciting public input into the planning process in accordance with Section 33.1-70.01 of the Code of Virginia of 1950, as amended; and

WHEREAS, This Board has given due consideration to such input and other factors pertaining to improvements of the State Secondary Highway System in Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves the aforementioned Six-Year Plan for Improvement of the State Secondary Highway System in Montgomery County for fiscal years 2010-2015, as shown below:

<u>Priority</u>	<u>Route #</u>	<u>Road Name</u>	<u>From: To:</u>	<u>Description</u>
0	VAR	VAR	----	Countywide
1	639	Mt. Pleasant Road	From 0.78 mi. W. Rte. 637 to 0.03 mi. W. Rte. 637	Reconstruct
2	639	Mt. Pleasant Road	From 0.05 mi. W. Rte. 722 to 1.24 mi. E. Rte. 722	Reconstruct
3	606	Sidney Church Road	From Rte. 669 to Rte. 673	Reconstruct
4	643	Yellow Sulphur Road	From 1.0 mi. N. C'Burg to Rte. 642	Reconstruct
5	621	Craig Creek Road	From 7.5 mi. E. Rte. 460 to Craig Co. Line	Reconstruct
6	600	Piney Woods Road	From Rte. 787 to Rte. 672	Reconstruct
7	VAR	VAR	Plant Mix Federal Aid Routes	Plant Mix
8	VAR	VAR	Unobligated Federal Funds	Reconstruct
9	639	Mt. Pleasant Road	Bridge over Elliott Creek	Reconstruct

BE IT FURTHER RESOLVED, That adoption of this plan also establishes priorities for preparation of the annual budget for the fiscal year 2009-2010 by the Virginia Department of Transportation Residency Administrator.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
James D. Politis	
William H. Brown	
John A. Muffo	
Doug Marrs	
Gary D. Creed	
Annette S. Perkins	

**R-FY-09-158  
RESOLUTION ADOPTING  
THE FY 2009-2010 BUDGET**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Annual Budget for Fiscal Year 2009-2010 be and the same is adopted in the amount of **\$158,910,345** which except in the case of the public school budget, shall be for informative and fiscal planning purposes only.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
William H. Brown	
John A. Muffo	
Doug Marrs	
Gary D. Creed	
Mary W. Biggs	
Annette S. Perkins	

**R-FY-09-159  
RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MONTGOMERY RELATING  
TO THE SUPPORT OF THE VIRGINIA SESQUICENTENNIAL  
OF THE AMERICAN CIVIL WAR COMMISSION**

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of the County of Montgomery (“the County”) is dedicated to the furtherance of economic development and tourism in Montgomery County; and

WHEREAS, The Virginia Sesquicentennial of the American Civil War Commission (“the Commission”) was created in 2006 by the General Assembly for the purpose of preparing for and commemorating the 150<sup>th</sup> anniversary of Virginia’s participation in the American Civil War; and

WHEREAS, The Commission has requested that each locality form a sesquicentennial committee to aid in planning for the commemoration period; and

WHEREAS, The sesquicentennial committee will plan and coordinate programs occurring within the locality and communicate regularly with the State Commission; and

WHEREAS, The Board of Supervisors wishes to undertake this endeavor with the Commission to promote and commemorate this important historic milestone.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA:**

1. The Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and their efforts to commemorate the 150<sup>th</sup> anniversary of Virginia's participation in the American Civil War.
2. Montgomery County will form a sesquicentennial committee to aid in the planning for the commemoration period.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
John A. Muffo	
Doug Marrs	
Gary D. Creed	
Mary W. Biggs	
James D. Politis	
Annette S. Perkins	

### **COUNTY ADMINISTRATOR'S REPORT**

**2010 Census** – Interim County Administrator reported that the U.S. Constitution requires a national census once every 10 years. The census is a count of everyone residing in the United States. The U.S. Census Bureau is requesting localities to form Complete County Committees to increase awareness about the census and motivate residents in the community to respond.

The Interim County Administrator asked Ruth Richey, Public Information Director, to update the Board on the County's progress on the 2010 Complete County Census Committee for Montgomery County.

Ruth Richey reported that since the Board of Supervisors adopted a resolution at their April 13, 2009 meeting to establish the 2010 Complete County Committee, staff has contacted County agencies, town representatives, Virginia Tech officials and others to determine interest in serving on the committee. Representatives from various organizations voiced their interest in serving on the Committee, such as Town of Christiansburg Planning, Town of Blacksburg, Blacksburg Community Relations, Planning, RSVP, Social Services, New River Valley Senior Services, Office on Aging, Health Department, NRV Community Services Board, and Virginia Tech.

An initial committee meeting with the above representatives will be scheduled to select a Chair and to begin developing an action plan.

Ms. Richey stated she would keep the Board informed on the committee's progress.

### **BOARD MEMBERS' REPORTS**

**Supervisor Creed – Elliston Volunteer Fire Department Parking Lot** Supervisor Creed submitted quotes for paving an area in the back of the EVFD facility in order to alleviate parking problems. There was some concerns about the number of shared parking spaces for the EVFD and the Elliston Park, so it was determined that a space behind the EVFD facility could be paved to avoid any problems.

The Interim County Administrator reported a resolution to appropriate funding to cover the cost of paving the back parking lot will be included on the Board's May 11, 2009 agenda.

### **ADJOURNMENT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, May 11, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Doug Marrs	
Gary D. Creed	
Mary W. Biggs	
James D. Politis	
William H. Brown	
Annette S. Perkins	

The Board adjourned at 8:15 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	L. Carol Edmonds
Chair, Board of Supervisors	Interim County Administrator